



SDMS DocID

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ORIGINAL

April 19, 2012

BY OVERNIGHT MAIL

Mr. Kenneth I. Rose, III
Financial Analyst (3HS62)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Required Submission of Information
Metro Container Site, Trainer, Pennsylvania

Dear Sir:

This letter will serve as the response of Zenith Products Company ("Zenith"), 400 Lukens Drive, New Castle, Delaware to the March 9, 2012 letter of Joanne Marinelli regarding the above-referenced site.

INTRODUCTION

Initially, Zenith would note that it does not have the same ownership or management as the entity which sent what Zenith understands to be empty drums to the Metro Container facility for reconditioning or destruction during a period in the middle 1980s. The entity involved in that action was either a C Corporation owned by Joyce E. Roggio, A. James Aruffo and several small minority owners or a Subchapter S Corporation owned by eight employees. That entity was then transferred to Zenith Acquisition Corp., a corporation owned by Masco Corporation ("Masco"), a publicly held corporation, on or about February 28, 1994. Thereafter, Zenith Products was operated as a wholly-owned subsidiary of Masco until late in 2005 when the present majority owner and several minority owners of Zenith Products Corp. purchased the stock in the wholly-owned subsidiary from Masco.

The present Zenith has between seven and ten employees who may have worked at the former Zenith's Aston location at the time when drums were sent by the former Zenith entity to the Metro Container Trainer location. Those individuals do not have personal knowledge of the drums, their contents, the 1980s' manufacturing processes, procedures related to the cleaning and handling of the drums, or the production at the Aston facility in the 1980s which may have required raw materials in drums during the manufacturing process or produced any waste materials which were placed in drums. In addition, the Aston facility was sold to Zenith Acquisition in February of 1994.

There was an earlier Section 104(e) request to the former Zenith entity at the Aston facility in 1988. A copy of the response to the request is attached hereto, along with copies of the documents that were in the prior file. To date, despite several searches under the

author's direction, Zenith has not located or obtained any further knowledge or records regarding additional communications regarding the Metro Container site or the materials sent to the site, except for the materials in the attached file. The person who signed the response, Briggs Pletcher, left Zenith in approximately January of 1999. He has no current relationship with Zenith and does not receive retirement or other continuing payments or benefits from Zenith. The only officer who has been employed at each of the Zenith entities since 1986 is Thomas Della Franco. He has only served in financial jobs and is presently the Chief Financial Officer. Since 1986, Zenith Products Company has gone through three separate ownership and management changes and has done a complete relocation of all of its physical operations from Aston, Pennsylvania to New Castle, Delaware.

RESPONSES

Zenith's responses to the specific inquiries in the March 9, 2012 letter are as set forth below. Zenith's Introduction is incorporated into each response.

1. EPA has information which indicates that you sent drums to the Metro Container Site between 1980-1988 from one or more of your facilities. For each such facility, identify:
 - a) the address of the facility; and
 - b) the products/materials produced at such facility between 1980-1988.

RESPONSE: The address of the former Zenith location is 200 Commerce Drive, Aston, Pennsylvania. It is the understanding of the present employees of Zenith that the Aston location produced metal and plastic bathroom products between 1980 and 1988. The current Zenith employees have no personal knowledge of this.

2. Identify the processes used between 1980-1988 to produce the products/materials identified in response to Question #1.

RESPONSE: The present employees of Zenith have no personal knowledge of the processes or raw materials used to produce the products

3. Identify the raw materials used in the processes identified in response to Question #2.

RESPONSE: The present employees of Zenith have no personal knowledge of the processes or raw materials used to produce the products

4. Identify all wastes and by-products generated between 1980-1988 from the processes identified in response to Question #2.

RESPONSE: The present employees of Zenith have no personal knowledge of the waste and by-products generated by the processes.

5. For each raw material and waste/by-product identified in response to Questions #3 and #4:
 - a) Identify the chemical composition.
 - b) Provide a copy of all documents referring to or related to the composition of such raw material and waste/by-product including, but not limited to, chemical analyses performed on such raw materials and wastes/by-products; and
 - c) Identify how each waste/by-product was disposed of between 1980 and 1988.

RESPONSE: See Responses 3 and 4.

6. Identify all chemicals/constituents that would have been present in drums present at any time between 1980-1988 at the facilities identified in response to Question #1(a).

RESPONSE: Zenith has no records and no individuals with personal knowledge of this subject.

7. Identify, and provide a copy of, all contracts and agreements between you and Metro Container Corporation or any related entity under which drums were sent from your facilities to the Metro Container Site (your answer need not identify documents evidencing individual shipments of drums to the Site).

RESPONSE: Based on Mr. Pletcher's prior response and the attached documents, it is Zenith's understanding that any drums sent to Metro Container in the 1980s were empty and that they were verified to be empty by employees of Zenith and Metro Container.

8. Identify the procedures used to determine which drums present at any time at your facilities would be sent to the Metro container Site.

RESPONSE: It is Zenith's understanding, based on Mr. Pletcher's response and the attached records, that empty drums were sent for reconditioning or destruction.

9. Identify the chemicals/constituents contained in the drums you sent to the Metro Container Site.

RESPONSE: See Responses 7 and 8.

10. If you assert in response to Question #9 that some or all of the drums sent to the Metro Container Site were empty, identify the chemicals/constituents that would have been in the drums before they were emptied.

RESPONSE: See Responses 6 through 9.

11. Provide the name, title, address, and telephone number of the person answering these questions on your behalf. For each question, provide the name, title, area of responsibility, current address, and telephone number of all person consulted in preparation of the answers.

RESPONSE: See the Introduction to this Response. This letter is being forwarded by the undersigned, but there is no person at Zenith with personal knowledge or records adequate to allow a further response.

12. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- a) Your document retention policy;
 - b) A description of how the records were/are destroyed (burned, archived, trashed, etc.);
 - c) The approximate date of destruction;
 - d) A description of information that would have been contained in the documents; and
 - e) The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

RESPONSE:

- a) The current owners of Zenith Products maintain whatever environmental records that they have concerning the former Aston location, but do not know whether all such records were maintained by the prior ownership and management before 2005. The three prior owners may have had various records retention policies.
- b) – e) It is Zenith's understanding that all records in reference to the 1988 response to the Section 104(e) request were preserved. Zenith also contacted Masco and they informed Zenith that they had an identical set of responses. John Cullen, Director Health Safety Environmental at Masco in Taylor, Michigan was the person with knowledge of these records.

13. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information that you provide in a response to this request should include the party's name, address, type of business, and the reasons why you believe that the party may have contributed to the contamination at the Site or may have information regarding the Site.

RESPONSE: Mr. Cullen is identified in Response 12. Zenith Products Company does not have a last known address for Mr. Pletcher.

Please contact the undersigned if you have any questions or require further information, to the extent such information may be available.

Sincerely yours,



Terry Douglas
President, Zenith Products

/1056015

Attachments

Attachments

1. Response to Section 104(e) request
2. Documents from prior file

April 20, 1988

Mr. Lawrence Falkin
U.S. E.P.A., Region III
CERCLA Removal Enforcement Section (3HW14)
841 Chestnut Building, 6th Floor
Philadelphia PA 19107

Dear Mr. Falkin:

In response to EPA letter dated April 12, 1988 we submit to you the material enclosed.

- 1) Zenith Products has had no hazardous substances transported to, or disposed of at, Metro Container Corp.
- 2) Zenith Products has had approximately 600 empty 55 gallon drums transported from Zenith Products to Metro Container Corp by Metro Container over the last 2 1/2 years. Drums were basically sold to Metro for reconditioning.
- 3) Shipments to Metro Container and receipts from Metro are documented in the attached information.
- 4) No correspondence occurred between Zenith Products and any regulatory agency regarding the drums sold to or removed by Metro Container Corp.
- 5) There exists no written correspondence between Zenith Products and Metro Container Corp. other than those documents attached.
- 6) There has been no third party involvement in the relationship between Zenith products and Metro Container Corp.
- 7) Zenith Products has no real interests in the properties occupied by Metro Container Corp.
- 8) Drums were sent to Metro Container largely for reconditioning, except as where noted; some drums were sent to Metro Container for crushing and burning.

Mr. Lawrence Falkin
April 20, 1988

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Zenith Products is not privately insured against releases of hazardous wastes or substances as a result of handling of such material.

I have made all efforts possible to accumulate documents pertaining to Metro Container Corp. If further information is requested please contact me directly.

All drums removed by Metro Container were inspected by Zenith personnel and Metro Container Personnel to verify there was no residual substances contained within them. Prior to removal drums contained raw materials such as: Paint, Oil, Electroplating, Chemicals and Solvents.

Zenith Products wishes to assist in the gathering of any information requested. We also would like to retain operational anonymity in public view, where possible.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Briggs Pletcher', with a stylized flourish at the end.

Briggs Pletcher
Assistant Engineering Manager

/jrl